



STATE OF NEW YORK

**UNEMPLOYMENT INSURANCE APPEAL BOARD**

PO Box 15126

Albany NY 12212-5126

**DECISION OF THE BOARD**

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Mailed and Filed: FEBRUARY 27, 2023

IN THE MATTER OF:

Appeal Board No. 627141

PRESENT: T. GREASON, MEMBER

The Department of Labor issued the initial determination holding the claimant ineligible to receive benefits, effective August 15, 2022 through August 28, 2022, on the basis that the claimant did not comply with registration requirements. The claimant requested a hearing.

The Administrative Law Judge held a telephone conference hearing at which all parties were accorded a full opportunity to be heard and at which testimony was taken. There was an appearance by the claimant. By decision filed December 06, 2022 (), the Administrative Law Judge sustained the initial determination.

The claimant appealed the Judge's decision to the Appeal Board.

Based on the record and testimony in this case, the Board makes the following

**FINDINGS OF FACT:** The claimant was separated from employment on August 9, 2022 under circumstances not at issue. Following his separation from employment, the claimant began to apply for other jobs, and did not consider filing a claim for unemployment benefits because he thought he would get a new job right away, which had been the case in the past. However, as the weeks passed and the claimant was not hearing back

from the multiple job applications he had made, the claimant decided to look into applying for unemployment benefits.

The first day the claimant looked into filing an unemployment claim was August

31, 2022; that was also the date the claimant first attempted to apply for benefits. The claimant had trouble completing his claim online, but with telephone assistance from a Department of Labor representative, he was able to complete the claim filing process on September 6, 2022; his claim was made effective August 29, 2022. The claimant asked for his claim to be backdated to August 15, 2022.

OPINION: Pursuant to the statute and the regulations of the Commissioner of Labor, a claimant is not considered eligible to receive benefits until a claim has been properly filed, and the failure to file a claim may be excused only upon a showing of good cause. (Labor Law §§ 590, 596; 12 NYCRR § 473 [1]).

While good cause has been found to exist when a claimant's delay in filing is the result of misinformation received from his former employer regarding the status of his employment, or the result of misinformation received from a Department of Labor representative, the claimant has not alleged, nor established, either of these reasons, or any other explanation that amounts to good cause, for his delay in filing his claim. Rather, the claimant testified that the first date he tried to apply for unemployment benefits was August 31, 2022, and that he did not try to apply before that date because he was looking for another job, and did not expect to be unemployed for long. This explanation for the claimant's delay in filing his claim for unemployment benefits does not constitute good cause, and does not warrant the granting of his request to backdate his claim.

We have considered the contentions made by the claimant on appeal. Our review of the record does not reveal any inappropriate tone or behavior by the hearing Judge, nor did the Judge exhibit bias in conducting the hearing.

DECISION: The decision of the Administrative Law Judge is affirmed.

The initial determination, holding the claimant ineligible to receive benefits, effective August 15, 2022 through August 28, 2022, on the basis that the claimant did not comply with registration requirements, is sustained.

The claimant is denied benefits with respect to the issues decided herein.

T. GREASON, MEMBER